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In re Application of	:	
SCANLAN et al.	:	DECISION ON
Application No.: 10/532,489	:	
PCT No.: PCT/US03/33707	:	PAPERS
Int. Filing Date: 23 October 2003	:	
Priority Date: 23 October 2002	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 029065.51088US2	:	
For: A34 AND A33-LIKE 3DNS, PROTEINS,	:	
ANTIBODIES THERETO AND METHODS OF	:	
TREATMENT USING SAME	:	

This is a decision on the submission filed by applicants on 21 February 2006, which was accompanied by, *inter alia*, a declaration of the inventors. The indication in this declaration that inventor Matthew Scanlan is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 23 October 2003, applicants filed international application PCT/US03/33707 which claimed a priority date of 23 October 2002 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 06 May 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 25 April 2005 (23 April 2005 being a Saturday).

On 22 April 2005, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage, an assertion of small entity status.

On 23 September 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 21 February 2006, applicants filed the instant submission which was accompanied by, *inter alia*, a declaration of the inventors. The indication in this declaration that inventor Matthew Scanlan is deceased has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

The declaration filed 11 July 2005 fails to comply with 37 CFR 1.497(a)-(b). It is not clear from the declaration whether the information below Cynthia H. Scanlan's signature is her citizenship, or if it is the citizenship of Matthew Scanlan. Additionally, the declaration does not include the residence, mailing address and citizenship of the person(s) signing on behalf of the deceased inventor (37 CFR 1.497(b)(2)) in addition to the full name *and citizenship* of the deceased inventor (37 CFR 1.497(a)(3)). Nor does the Application Data Sheet include the residence, mailing address and citizenship of the person(s) signing on behalf of the deceased inventor (37 CFR 1.497(b)(2)).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is REFUSED.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Applicant is required to submit a declaration in compliance with 37 CFR 1.497 and 1.42 within a time period of **TWO (2) MONTHS** from the mail date of this Decision. **THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.** Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."



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